

### **REMARKS**

Claims 1, 3-12, 14-22, 24-28, 30, and 31 are pending in the application.

Claims 1, 3-12, 14-22, 24-28, 30, and 31 have been rejected.

Claims 1, 14, 21, 30, and 31 have been amended. Support for these amendments can be found, at least, in paragraphs 17 and 49 of the specification. No new matter has been added.

#### **Claim Objections**

Claim 31 was objected to. This claim has been amended as suggested, and thus this objection is believed to be overcome.

#### **Rejection of Claims under 35 U.S.C. §112**

Claims 14-22, 24-28, and 30-31 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The language regarding the extension of the data plane has been removed from these claims. Accordingly, this rejection is believed to be moot.

#### **Rejection of Claims under 35 U.S.C. §102(e)**

Claims 14, 24, 26-28, and 30-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Shinomiya (USPPN 2003/0037165) (“Shinomiya”). As amended, claim 14 recites the affirmative act of communicating a MAC notification frame between the master switch and the slave switch via the virtual switch link according to the virtual switch link protocol. Such an act is not found within the cited portions of Shinomiya. Furthermore, Shinomiya does not appear to teach or suggest any act involving MAC notification frames, let alone the specific act of communicating such frames via a virtual switch link. For at least this reason, claim 14 is patentable over the cited art. Claims 24, 26-28, and 30-31 are patentable over the cited art for similar reasons.

#### **Rejection of Claims under 35 U.S.C. §103(a)**

Claims 1, 4-6, 8-11, and 15-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shinomiya in view of Yamaya et al. (USPPN 2002/0184387) (“Yamaya”) and further in view of Walsh et al. (USPPN 2002/0099972) (“Walsh”).

As amended, claim 1 states that the master distribution switch chassis and the slave distribution switch chassis communicate one or more media access control (MAC) notification frames according to a virtual switch link protocol over the virtual switch link. The communication of MAC notification frames over a virtual switch link is neither taught nor suggested by any of the cited references, considered alone or in combination. Furthermore, none of the cited references appear to provide any teaching or suggestion related to MAC notification frames, let alone to communicating such notification frames via a virtual switch link. For at least this reason, claim 1 is patentable over the cited art. Claims 4-6, 8-11, and 15-22 are patentable over the cited art for similar reasons.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shinomiya in view of Goodrum et al. (USPN 5,822,512) (“Goodrum”). Applicants respectfully traverse this rejection for reasons similar to those set forth above with respect to claims 1 and 14.

Claims 3, 7, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shinomiya in view of Yamaya, in view of Walsh as applied to the parent claims, and further in view of Goodrum. These claims are patentable over the cited art for at least the reasons set forth above with respect to claim 1.

### CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

Applicant hereby petitions for a two-month extension of time. If any additional extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

I hereby certify that this correspondence is being electronically transmitted to the US Patent and Trademark Office via the Patent Office Electronic Filing System EFS-Web in accordance with 37 C.F.R. § 1.6(a)(4) on August 12, 2009.

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August 12, 2009  
Date of Signature

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